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9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 RICHARD CHARLES THOMAS, JR.,

15 Defendant.

16 CASE NO. 1:21-CR-00158-JLT-SKO

17 STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

COURT: Hon. Jennifer L. Thurston

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19 STIPULATION

20 Plaintiff United States of America, by and through its counsel of record, and RICHARD
CHARLES THOMAS, JR., by and through defendant's counsel of record, Daniel Harralson, hereby
stipulate as follows:

- 21 1. By previous order, this matter was set for jury trial on November 13, 2024.
- 22 2. By this stipulation, defendant now moves to vacate the jury trial and set a change of plea
hearing for Monday, October 21, 2024 at 9:00 a.m., and to exclude time between the date of the Order
and October 21, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).
- 23 a) The parties have reached a plea agreement and filed an executed plea agreement.
Dkt. 64.
- 24 b) The government does not object to the continuance.
- 25 c) Based on the above-stated findings, the ends of justice served by setting the case

1 change of plea hearing and vacating the trial date as requested outweigh the interest of the public
2 and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

3 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
4 et seq., within which trial must commence, the time period of the date of this order to October
5 21, 2024 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it
6 results from a continuance granted by the Court at defendant's request on the basis of the Court's
7 finding that the ends of justice served by taking such action outweigh the best interest of the
8 public and the defendant in a speedy trial.

9 3. Nothing in this stipulation and order shall preclude a finding that other provisions of the
10 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
11 must commence.

12 IT IS SO STIPULATED.

14 Dated: October 10, 2024

PHILLIP A. TALBERT
United States Attorney

16 /s/ KIMBERLY A. SANCHEZ
17 KIMBERLY A. SANCHEZ
Assistant United States Attorney

18 Dated: October 10, 2024

19 /s/ DANIEL HARRALSON
20 DANIEL HARRALSON
Counsel for Defendant
21 RICHARD CHARLES
THOMAS, JR.

22 FINDINGS AND ORDER

24 IT IS SO FOUND that the ends of justice are served by requested continuance.

25 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best
26 interest of the public and the defendant in a speedy trial and that time is deemed excluded pursuant to 18
27 U.S.C. § 3161(h)(7)(A), B(iv).

28 IT IS ORDERED that the jury trial set for November 13, 2024 is vacated and a change of plea

1 hearing is set for October 21, 2024 at 9:00 a.m., and that the time period from the date of this Order to
2 and through October 21, 2024 be excluded from the time in which trial must commence.

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4 IT IS SO ORDERED.

5 Dated: October 10, 2024


UNITED STATES DISTRICT JUDGE

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